

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

May 15th, 2023 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

Dr. Michael Klemens (Chair)
Cathy Shyer (Vice Chair)
Bob Riva (Regular Member)
Allen Cockerline (Regular Member)
Dr. Danella Schiffer (Alternate)

Staff Present:

Abby Conroy, Director of Land Use
Miles Todaro, Land Use Technical Specialist

Members Absent:

Martin Whalen (Secretary)
Debra Allee (Alternate)

1 **Brief Items and Announcements**

2 1. Call to Order / Establish Quorum

3

4 Chair Klemens called the meeting to order at 6:30pm. Secretary Whalen and Alternate Allee
5 were not present, Alternate Schiffer was seated as a voting member. Chair Klemens requested
6 to amend the agenda to add a discussion of the Buffers Letter prior to the public hearing.

7

8 **Motion:** To accept the agenda as amended.

9 Made by Cockerline seconded by Shyer.

10 Vote: 5-0-0

11

12 *Agenda items 2-18 were skipped.*

13

14 **Public Comment**

15 19. Public Comment - Public Comment is restricted to items that are neither on the agenda
16 nor the subject of any pending Planning & Zoning application or action and are limited to
17 three minutes per person

18

19 Bruce Palmer attempted to join the meeting to make a public comment, but was inhibited by
20 technical difficulties. There was no other public comment.

21

22 20. Buffers Letter Discussion

23

24 Chair Klemens explained that Mr. Harney and Attorney Mark Capecelatro have been developing
25 a draft ordinance to provide a tax break to lakefront property owners who install vegetative
26 buffers along their shoreline. On January 15th Chair Klemens sent a letter to John Harney
27 expressing concern that an ordinance of that nature would not be in the best interests of the
28 community. Chair Klemens introduced a draft letter of opposition to the effort. He is seeking
29 Commission support for sending a revised, formal letter of opposition citing procedural
30 irregularities, and administrative silos. Commissioner Cockerline asked if this letter was sent out

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31 to the Commissioners ahead of time, and expressed that he's not comfortable with approving a
32 letter he hasn't had the chance to read on his own yet. LUA Conroy responded that she hasn't
33 had a chance to review it yet either, and that the Commission doesn't have to approve it at this
34 meeting. Chair Klemens concurred that it could be approved at the next Planning and Zoning
35 meeting. Commissioner Cockerline emphasized that he prefers to review the documents prior
36 to each meeting. Vice Chair Shyer asked if the Commission would table it until the next meeting
37 so it can be reviewed by each member. Chair Klemens confirmed it will be sent to the
38 Commissioners and added to the June 5th meeting agenda.

39

40 Public Hearing – 6:45pm

41 21. #2023-0215 / Project Sage Inc (Hackett) / 13A Porter Street / Special Permit for a Use
42 Rendering More Than Thirty Percent (30%) of the Total Lot Area in Impervious Surfaces
43 (Section 403.4c) / Map 45 / Lot 39 / DOR: 04/17/2023/ *Open Hearing and Possible*
44 *Consideration*

45

46 Vice Chair Shyer read the Public Hearing Notice opening the public hearing at 6:45pm. Chair
47 Klemens explained that this application is for a new Project Sage Inc. headquarters on Porter
48 Street. Applicant Betsey Mauro and Engineer Pat Hackett joined the hearing to represent the
49 application. Engineer Hackett described the parcel. It is slightly over 0.5 acres, and has an
50 existing building and an unpaved parking area. Engineer Hackett explained the existing
51 conditions shown on the site plan. The plan proposes paving the parking area to have a suitable
52 surface for handicap accessibility. Four recharge areas are also proposed: a rain garden, two
53 drywells primarily for roof runoff, and a filter strip drain. Chair Klemens observed that all the
54 stormwater is being detained and infiltrated onsite, Engineer Hackett confirmed. Chair Klemens
55 asked how deep the driveway edge drain is. Engineer Hackett answered that it is 4 feet deep,
56 and could hold over 90% of any storm event. Vice Chair Shyer asked if there is room for cars in
57 parking spaces 8 and 9 to back out while other cars enter from Porter Street. Engineer Hackett
58 answered that the traffic volume will be small, and the proposed pavement area will be wide
59 enough. He directed the Commission's attention to the paving plan, which showed the existing
60 paved driveway and proposed pavement area. Chair Klemens asked why the parking space tire
61 stops were shown as optional. Engineer Hackett explained that some areas need them and
62 some do not, so they're optional in the event it becomes clear that they're necessary. He
63 clarified that it would not affect how the parking area is paved. LUA Conroy asked if the tire
64 stops could create a problem for snow plows, given the proposed parking area's non-linear
65 shape. Engineer Hackett answered that this is another reason why they're optional. He added
66 that the stops have a groove on the bottom to allow water to pass under, unlike curbs which he
67 avoided using in this design.

68

69 Chair Klemens opened the hearing to the public at 6:57pm. Jennifer Clarke joined the meeting.
70 Ms. Clarke explained that she lives in the neighboring building, and asked if the lot will be paved

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71 on the side that borders the Methodist Church property. Engineer Hackett explained that the
72 only paving will be of the handicap parking spaces.

73

74 There were no further comments from the public.

75

76 **Motion:** To close the public hearing at 7:01pm

77 Made by Cockerline, seconded by Shyer

78 Vote: 5-0-0

79

80 **Motion:** To approve application #2023-0215 / Project Sage Inc (Hackett) / 13A Porter Street /

81 Special Permit for a Use Rendering More Than Thirty Percent (30%) of the Total Lot Area in

82 Impervious Surfaces (Section 403.4c) / Map 45 / Lot 39 / DOR: 04/17/2023/

83 Made by Cockerline, seconded by Riva

84 Vote: 5-0-0

85

86 **New Business**

87 21. #2023-0217 / Bendit (Allied Engineering) / 101 Taconic Road / Site Plan Review for a

88 New Single-Family Dwelling, Septic and Well in the Lake Protection Overlay District

89 (Section 404) / Map 19 / Lot 11 / DOR: 05/01/2023 / *Reception and Consideration of*

90 *Completeness*

91

92 LUA Conroy explained that the Inland Wetlands and Watercourses Commission (IWWC) has not

93 yet acted on this application. Changes were going to be made to the plans, and IWWC is going

94 to schedule a site walk. IWWC may consider the application at their June 12, 2023 meeting,

95 which could make it eligible for Planning and Zoning Commission (PZC) consideration at their

96 June 20, 2023 meeting.

97 Engineer George Johannesen described the application. He explained that IWWC asked that the

98 plans include the topography all the way down to the edge of the lake, and that the trees in the

99 area of the house which would need to be cut down be located. Once this information is on the

100 plan it will be submitted to the Town Engineer for review.

101 Engineer Johannesen pointed out the existing boathouse, cabin, and driveway on the plans. He

102 explained that the plan includes extending that driveway to the proposed house, and that the

103 septic system has already been approved by Torrington Area Health District (TAHD). A rain

104 garden is proposed on the south side of the house, and a wetland buffer is being added to the

105 east of the house, shielding the lake.

106 Chair Klemens asked for clarification on the wetlands lines that IWWC asked about during their

107 meeting. Engineer Johannesen answered that the delineations were shown on the map, IWWC

108 just asked that he point them out during that meeting. LUA Conroy added that there are

109 multiple areas of wetlands on the property, and that the whole area is located within the Lake

110 Protection Overlay District (LPOD).

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111 Vice Chair Shyer asked for clarification on the size of the property. Engineer Johannesen
112 directed attention to the page of the plans that shows the building area in relation to the whole
113 76-acre property. He added that the middle has a lot of intermittent watercourses and
114 wetlands. Vice Chair asked if this is the only house on the 76 acres. Engineer Johannesen
115 confirmed.

116 Alternate Schiffer asked where on the plans the well is shown. Engineer Johannesen pointed it
117 out on the west side of the septic system, outside of the wetlands upland review area. Chair
118 Klemens asked where the LPOD impervious surface calculations are shown on the plans.
119 Engineer Johannesen pointed out where the calculations were shown, and added that in the
120 south of the property there is an old rotten cabin that isn't shown on the plans.

121 Commissioner Cockerline commented that the information on the planting plan he viewed
122 before the meeting was difficult to understand, but he appreciates what Engineer Johannesen
123 has presented. LUA Conroy commented that the planting plan data was present but the layer
124 was not. Engineer Johannesen confirmed, and added that this data will be made easier to
125 understand. Chair Klemens asked if the planting plan included exclusively native plants.
126 Engineer Johannesen replied that all of the plants were taken from the Connecticut Erosion
127 Control Manual. Chair Klemens asked if it could be verified that the proposed plants are all
128 native to Connecticut. Engineer Johannesen agreed.

129 The Commission tabled the application until June 20th, 2023.

130

131 22. #2023-0218 / Cantele (Allied Engineering) / 204 Between the Lakes Road / Special
132 Permit for Vertical Expansion of a Nonconforming Structure in the Lake Protection
133 Overlay District (Section 503.2 and 404) / Map 58 / Lot 3 / DOR: 05/15/2023 / *Reception*
134 *Consideration of Completeness and Schedule Hearing*

135

136 Engineer Johannesen described the application. The plans have been amended to reflect initial
137 comments from the Town Engineer though they have not yet had final review by the Town
138 Engineer.

139 Chair Klemens asked Engineer Johannesen to review the vertical expansion of the non-
140 conforming structure aspect of the application for the Commission. Engineer Johannesen
141 explained that the existing patio is being removed and replaced with an expansion to the
142 house. The main part of the house will have a second floor added. Chair Klemens asked where
143 the non-conformity was. LUA Conroy answered that it was the setback to the wetland. Chair
144 Klemens commented that in the case of a second-story expansion, the setback to the wetland
145 would be less of a concern to neighbors than an encroachment into a yard setback.

146 Commissioner Cockerline commented that there should to be no change in the footprint of the
147 building. Engineer Johannesen concurred, and added that the increase in impervious surface
148 area is virtually insignificant. The small increase comes from an expansion of the width of the
149 gravel driveway for access. The plan proposes an expansion from 8.02% impervious surface to
150 8.26%.

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151 Chair Klemens observed that the septic system involves fill. Engineer Johannesen confirmed,
152 and LUA Conroy commented that the septic system has been approved at the state level. Chair
153 Klemens commented that there appears to be some wetland filling called for with the septic
154 plan. Engineer Johannesen confirmed that there is a small amount planned, and likely some
155 disturbance caused by the necessary machinery during construction. The Town Engineer asked
156 that erosion control blankets be used on the slopes, and this is shown on the plan.
157 LUA Conroy showed the architectural plans to the Commission. Chair Klemens asked where the
158 current septic system is located. Engineer Johannesen replied that it is underneath the
159 proposed system.

160 Engineer Johannesen explained that the wetlands were flagged by Jay Fein, and were located as
161 part of an A-2 survey. Commissioner Cockerline asked if the only wetlands encroachment is in
162 the corner mentioned previously. Engineer Johannesen clarified that the planned silt fence
163 encroaches slightly in another location. Chair Klemens asked if the wetland was a red maple
164 swamp. Engineer Johannesen replied that there is a lot of brush, but they didn't identify the
165 plants.

166

167 **Motion:** To schedule a public hearing via Zoom on Tuesday June 20, 2023 at 6:45pm for special
168 permit #2023-0218 / Cantele (Allied Engineering) / 204 Between the Lakes Road / Special Permit
169 for Vertical Expansion of a Nonconforming Structure in the Lake Protection Overlay District
170 (Section 503.2 and 404) / Map 58 / Lot 3 / DOR: 05/15/2023 /

171 Made by Cockerline, seconded by Riva

172 Vote: 5-0-0

173

174 **Pending Business**

175 23. #2023-0216 / Sheil (Churchill) / 63 Millerton Road / Site Plan for an Attached Accessory
176 Apartment (Section 208) / Map 45 / Lot 15 / DOR: 04/17/2023/ *Possible Consideration*

177

178 Chair Klemens explained that this application has received approval from the Historic District
179 Commission. George Rein of Churchill Building Company and Blake Morrison of the Lignin Group
180 explained the project to the Commission. The project includes a mudroom, breezeway, and
181 carriage house with a garage and pool cabana. Mr. Rein explained that all setbacks are met, and
182 the building is located on Town Sewer and Water. Commissioner Cockerline asked what the
183 average roof height of the building was. Mr. Rein responded that some of that information is
184 located on the elevation drawings.

185 Chair Klemens asked if the roof complies with Zoning Regulations. Mr. Morrison replied some of
186 the elevation drawings are marked with heights. Commissioner Cockerline commented that the

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187 heights shown display that it very clearly conforms to the Regulations. However, the roof height
188 is measured incorrectly. The Commission reviewed the relative heights of the building shown on
189 the elevation drawings.

190 Chair Klemens asked if any part of the carriage house currently exists. Mr. Rein answered that it
191 does not. LUA Conroy asked if the structure shown in the photograph on the application, was
192 the mudroom. Mr. Rein answered that it was the bay window, which will be in front of the
193 mudroom. Chair Klemens asked if there was a letter from the Historic District Commission
194 (HDC). LUA Conroy showed the Commission the Certificate of Appropriateness approved by
195 HDC. LUA Conroy pointed out the included erosion control plan. Chair Klemens asked if the
196 displayed "proposed sports court" is a part of this application as well. LUA Conroy clarified that
197 it an accessory structure which qualifies for administrative approval.

198 **Motion:** To approve site plan #2023-0216 / Sheil (Churchill) / 63 Millerton Road / Site Plan for an
199 Attached Accessory Apartment (Section 208) / Map 45 / Lot 15 / DOR: 04/17/2023/
200 Made by Cockerline, seconded by Riva
201 Vote: 5-0-0

202

203 **Other Business**

204 24. #ZP-23-47 / Karcheski / 22 Channel Road / Temporary Zoning Permit for Storage
205 Building (Section 906) / Map 69 / Lot 05 / DOR: 05/10/2023 / *Possible Authorization of*
206 *Zoning Administrator*

207

208 LUA Conroy explained that the property was approved for a demolition and rebuild, however
209 only the demolition took place. The new owners would like to build a temporary shed to store
210 lawn and boat equipment over the summer, and return to the Commission in the fall with a
211 revised site plan for a house.

212 Chair Klemens commented that the new interpretation of the LPOD means this property is not
213 located in it. He added that he has no issue with LUA Conroy issuing the Temporary Zoning
214 Permit. The Commission agreed.

215

216 **Motion:** To authorize the Land Use Administrator to issue a Temporary Zoning Permit for
217 application #ZP-23-47 / Karcheski / 22 Channel Road / Temporary Zoning Permit for Storage
218 Building (Section 906) / Map 69 / Lot 05 / DOR: 05/10/2023 /
219 Made by Cockerline, Seconded by Riva
220 Vote: 5-0-0

221

222

223 25. #ZP-23-39 / Reiland (Capecelatro) / 63 Washinee Heights Road / Report of Minor
224 Modification to Site Plan for Buried Utilities, Pathway, and Dock Anchor (Section 811) / Map 67

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225 / Lot 2 / DOR: 05/01/2023 / *Administratively Approved*

226

227 LUA Conroy explained that this application is for a dock on a property where a buffer area was
228 maintained for future access. Commissioner Cockerline asked if this was a deeded restriction.

229 Chair Klemens responded that it was and clarified that there was also an understanding that
230 they would have water access. Two concrete pillars are being added to attached a dock. LUA

231 Conroy showed the plans to the Commission. Chair Klemens commented that this application is
232 a model example of how to put an access point in with a buffer. Vice Chair Shyer expressed that

233 she would like to visit the site to observe how it was implemented. LUA Conroy agreed to talk
234 to the applicants about it. LUA Conroy showed the Commission photos of the buffer area,

235 which showed the understory filled with barberry. The photos show the effectiveness of the
236 applicant's invasive barberry removal relative to the adjacent community accessway.

237 Chair Klemens commented that due to an easement, the zoning setback began at the edge of
238 the barberry.

239 Chair Klemens commented that a 20ft buffer perforation will look very different on properties
240 of different sizes/shapes. However, 20ft also seems to be the minimum width for a functional

241 access point.

242

243 Chair Klemens proposed scheduling a planning meeting on July 31, 2023. The Commission
244 agreed. Chair Klemens commented that a portion of the POCD and a draft of the Collier's

245 Report should be available to discuss at the June 5th meeting. LUA Conroy commented that

246 they've met with several other Commissions and Chairpersons to review chapters of the POCD.

247

248 **Adjournment**

249 **Motion:** To adjourn the meeting at 8:00pm.

250 Made by Cockerline, seconded by Riva

251 Vote: 5-0-0